

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL
CORPORATION and
DANA-FARBER CANCER
INSTITUTE, INC.,

Plaintiffs,

v.

ESOTERIX GENETIC
LABORATORIES, LLC and
LABORATORY CORPORATION
OF AMERICA HOLDINGS,

Defendants.

C.A. No. 1:18-cv-11360-IT

STIPULATION OF DISMISSAL WITHOUT PREJUDICE OF CERTAIN CLAIMS

IT IS HEREBY STIPULATED AND AGREED by the parties, plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute, Inc. (collectively, “Plaintiffs”) and defendants Esoterix Genetic Laboratories, LLC and Laboratory Corporation of America Holdings (a/k/a Laboratory Corporation of America) (collectively, “Defendants”), by and through their undersigned counsel, that, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the following claims in the above-captioned action, are hereby dismissed without prejudice:

1. Count I (Breach of Contract) against defendant Laboratory Corporation of America Holdings (a/k/a Laboratory Corporation of America) only;¹

2. Count II (Breach of the Implied Covenant of Good Faith and Fair Dealing) against Defendants;

¹ Judgment is being entered by the Court on Count I (Breach of Contract) against defendant Esoterix Genetic Laboratories, LLC.

3. Count III (Violation of M.G.L. Chapter 93A, §§ 2 and 11) against Defendants;
4. Count IV (Accounting/Injunctive Relief) against defendant Laboratory Corporation of America Holdings (a/k/a Laboratory Corporation of America) only,^{2,3}
5. Count VI (Piercing the Corporate Veil) against defendant Laboratory Corporation of America Holdings (a/k/a Laboratory Corporation of America); and
6. Count VII (Unjust Enrichment) against defendant Laboratory Corporation of America Holdings (a/k/a Laboratory Corporation of America).

Plaintiffs,
THE GENERAL HOSPITAL
CORPORATION and DANA- FARBER
CANCER INSTITUTE, INC.

By their attorneys,
/s/ Carolyn M. Crowley
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Defendants,
ESOTERIX GENETIC LABORATORIES, LLC
and LABORATORY CORPORATION OF
AMERICA HOLDINGS,

By their attorneys,
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Dated: October 21, 2020

² Judgment is being entered by the Court on Count IV (Accounting/Injunctive Relief) against defendant Esoterix Genetic Laboratories, LLC.

³ Judgment is being entered by the Court on Count V (Reformation of Contract – Mistake) against Plaintiffs.

CERTIFICATE OF SERVICE

I, Christopher R. Howe, certify that on October 21, 2020, I filed this Stipulation of Dismissal Without Prejudice on the Court's CM/ECF system, which will electronically serve all counsel of record in this case.

/s/ Christopher R. Howe
Christopher R. Howe